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PATENT APPLICATIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dr. Jurgen G. Kienhoefer et al.
Serial No.: 09/464,352
Filed: December 15, 1999
For: METHOD AND APPARATUS FOR EXECUTING
MULTIPLE JAVA™ APPLICATIONS ON A
SINGLE JAVA™ VIRTUAL MACHINE
Docket No. 5033.2.1A (a.k.a. 4968-706 or SCOP:003US/10025634)

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Technology Center 2100

In re application of: Dr. Jurgen G. Kienhoefer
Serial No.: 60/112,803
Filed: December 18, 1998
For: METHOD AND APPARATUS FOR EXECUTING
MULTIPLE JAVA™ APPLICATIONS ON A
SINGLE JAVA™ VIRTUAL MACHINE
Docket No. 5033.2.1 (a.k.a. 19980020, 4968-702, SCOP:003USP1/10025633)

DECLARATION & POWER OF ATTORNEY

The Honorable Commissioner of Patents & Trademarks
Washington, D. C. 20231

Commissioner:

I, J. Harrison Colter, hereby declare as follows:

1. I am Vice-President, General Counsel and Secretary to the Board of Directors of Caldera International, Inc. ("Caldera"), and I am duly authorized to act on behalf of Caldera. In particular and without limitation, I am authorized to select patent practitioners to represent Caldera.

2. I believe Caldera is the assignee of all entire right, title, and interest in the above-identified invention(s) and patent applications by virtue at least of a chain of title evident in an Assignment from the inventors to The Santa Cruz Operation, Inc. recorded in the United States Patent and Trademark Office ("the Office") at Reel 010644 Frame 0581 for three pages and a subsequent Patent Application Assignment effective May 7, 2001 which transfers rights from Tarantella Inc. (formerly known as The Santa Cruz Operation, Inc.) to Caldera, a two-page copy of which is attached, and which Caldera is submitting separately for recordation in the Office.

3. Pursuant to 37 C.F.R. § 3.73(b), Caldera hereby asserts its right to control prosecution of pending application 09/464,352. Accordingly, Caldera hereby appoints the following as its attorneys, to prosecute this application and to transact all business in the Office connected therewith, with full power of substitution and revocation:

John W.L. Ogilvie, Reg. No. 37,987
Genie L. Ogilvie, Reg. No. 43,841
J. Harrison Colter, Reg. No. 31,341

Any and all other powers are hereby revoked. Please direct all correspondence to:

John W.L. Ogilvie
Computer Law++
1211 East Yale Avenue
Salt Lake City, Utah 84105
voice: 801-582-2724
fax: 801-583-1984

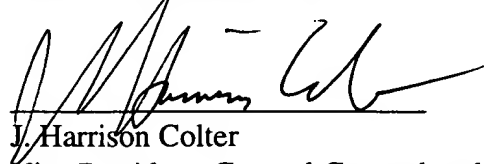
Please associate each of the applications identified above with **Customer Number 23484**.

4. A photocopy or facsimile copy of this Declaration & Power of Attorney filed by any counsel identified above shall have the same force and effect as the original.

5. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. These statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application(s) or any patent(s) issuing thereon.

Dated this July 23, 2001.

Caldera International, Inc.



J. Harrison Colter
Vice President, General Counsel and
Secretary to the Board

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

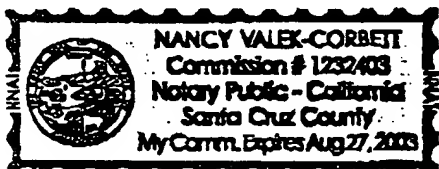
State of California

County of Santa Cruz

On June 28, 2001 before me, Nancy Valek-Corbett Notary Public

personally appeared Steven M. Sabbath

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Patent Application Assignment

Document Date: _____ Number of Pages: 1

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Steven M. Sabbath

- ☐ Individual
☒ Corporate Officer
Title(s): Secretary
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
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PATENT APPLICATION ASSIGNMENT

THIS PATENT APPLICATION ASSIGNMENT (this "Assignment") is effective as of May 7, 2001, (the "Effective Date") by and between Tarantella, Inc., formerly known as The Santa Cruz Operation, Inc., a California corporation having its principal place of business at 425 Encinal Street, Santa Cruz, CA 95061 (the "Assignor") and Caldera International, Inc. a Delaware corporation having its principal place of business at 240 West Center Street, Orem, Utah 84057 (the "Assignee").

WHEREAS, Assignor warrants that it is the owner of the following United States Patent Application Serial No.: 09/464,352; Filed December 15, 1999, entitled, "Method and Apparatus for Executing Java Applications on a Single Java Virtual Machine";

WHEREAS, Assignee desires to acquire by formal, recordable, assignment the entire right, title in and to said patent application;

NOW THEREFORE, in consideration of and pursuant to the Intellectual Property Assignment effective May 7, 2001, and the Agreement and Plan of Reorganization signed by the parties August 1, 2000, and amended September 13, 2000, December 12, 2000 and February 9, 2001 (collectively, the "Reorganization Plan"), and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee the entire right, title and interest in and to said patent application, all divisions, continuations, continuations-in-part and reissue applications thereon, and any reissues that may be granted for said patents free and clear of any encumbrances and liens.

Further, Assignor agrees that, upon request and without further compensation, it and its legal representatives and assigns will do all reasonable and lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for sustaining, reissuing or enforcing said patent application and any issuing patent thereon, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said patent application and patent issuing thereon, and reissues granted for said patent.

Assignor represents and warrants that it has not granted and will not grant to others any rights inconsistent with this Assignment.

IN WITNESS WHEREOF, Assignor has executed this Assignment effective as of the Effective Date above.

ASSIGNOR: TARANTELLA, INC. (formally known as The Santa Cruz Operation)

By:

Steven M. Sabft

Title:

SECRETARY

Date:
